

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically at the time and date indicated, which may be materially different from its entry on the record.



Dated: 04:37 PM March 27, 2015



Russ Kendig
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:) CHAPTER 13
)
ROGER M. KLEPTACH AND) CASE NO. 14-61028
LUCRETIA S. KLEPTACH,)
) JUDGE RUSS KENDIG
Debtors.)
) **MEMORANDUM OF OPINION**
) **(NOT FOR PUBLICATION)**

On January 7, 2015, Debtors moved for judicial release of the lien on their car. No objections were filed. The court has subject matter jurisdiction under 28 U.S.C. § 1334(b) and the order of reference, General Order 2012-7, dated April 4, 2012. In accordance with 28 U.S.C. § 1409, venue in this district and division is proper.

This opinion is not intended for publication or citation. The availability of this opinion, in electronic or printed form, is not the result of a direct submission by the court.

BACKGROUND

Debtors filed a joint chapter 13 case on May 5, 2014. Their schedules disclose ownership of a 2006 Jeep Commander, secured by a lien in favor of TD Auto Finance. Their plan, confirmed on July 17, 2014, proposed to pay the \$1,847.71 balance owed in full with

5.25% interest at the rate of \$400.00 per month. TD Auto Finance has not filed a proof of claim.

On November 13, 2014, the chapter 13 trustee ("Trustee") filed a proposed modification of the plan to stop accruing funds toward the TD Auto car loan and instead pay the funds to unsecured creditors. Debtors withdrew their objection to the modification on March 18, 2015. Debtors also withdrew their modification filed on December 3, 2014. In that document, Debtors identified DC Financial Services of America, LLC ("DC Financial") as the proper secured party.

Debtors filed the instant motion on January 7, 2015. They seek an order releasing the lien on the title. In this motion, they identify the creditor as DC Financial and TD Auto Finance as the servicer.

DISCUSSION

Debtors' motion for judicial release of the lien contains no foundation for the relief requested. Generally, liens, as *in rem* interests, survive bankruptcy discharge. Dewsnup v. Timm, 502 U.S. 410 (1992). Further, proceedings to determine the extent, validity, or priority of liens require an adversary proceeding. Fed.R.Bankr.Pro. 7001(2). For these reasons, the motion is not well-taken.

The court will issue a separate order denying the requested relief.

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